



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/149,650	09/08/1998	JARED SCHUTZ POLIS	PROFLOWERS-P	5293
28710	7590	08/25/2009		
PETER K. TRZYNA, ESQ. P O BOX 7131 CHICAGO, IL 60680				
EXAMINER				
MONFELDT, SARAH M				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
08/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 19, 2009

Application No. 09/149650
Filed: September 8, 1998

:
:
: **DECISION ON PETITION**
: **TO SUSPEND**
: **UNDER 37 CFR 1.103**

This is a decision on the request under 37 CFR 1.1103, filed 20 July 2009.

The petition is **DISMISSED**.

Applicant's request filed 20 July 2009, for suspension of action in this application under 37 CFR 1.103(a), is dismissed as being improper.

Applicant's request is based on, namely the U.S. Supreme Court granting certiorari to *Bilski v. Doll*, 545 F.3d 943, 88 USPQ2d 1385 (Fed.Cir. 2008) (*en banc*), which pertains to the scope of patentable subject matter.

However, this request is based on an insufficient showing of good and sufficient cause since the law is currently settled by the CAFC ruling. Although our guidelines may change, we do have guidelines based on the CAFC ruling that we are now following.

Further, action cannot be suspended in an application awaiting a reply by the applicant. See MPEP § 709.

Telephone inquiries should be directed to Kambiz Abdi, Supervisory Patent Examiner, at (571) 272-6702.

/Kambiz Abdi/
Supervisory Patent Examiner,
Art Unit 3692,

PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO, IL 60680